

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM MITCHELL,

Plaintiff,

-against-

MEMORANDUM AND ORDER
01-CV-3111 (JS)

EUGENE LOPEZ, ET AL.,

Defendants.

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APPEARANCES:

For Plaintiff: William Mitchell, pro se
P.O. Box 835
Middle Island, NY 11593

For Defendants: Brian C. Mitchell, Esq.
Office of the Suffolk County Attorney
100 Veterans Memorial Highway
PO Box 6100
Hauppauge, NY 11788

SEYBERT, District Judge:

Pending before the Court are two letter motions, dated June 3, 2010 and June 7, 2010, respectively, in which pro se Plaintiff William Mitchell seeks additional discovery from Defendants Suffolk County, the Suffolk County Police Department, Detectives Eugene Lopez and Peter Falcetta and Police Officer Thompson. Plaintiff's motions are DENIED. Discovery in this case was certified as complete in January of 2003 and the Court will not delay what has already been a protracted litigation any further.

The Court takes this occasion to address the status of summary judgment briefing in this matter. Defendants first moved for summary judgment on February 17, 2004. Judge Wexler denied

Defendants' motion with leave to renew once this case, which had been administratively closed, was restored to the calendar. (Feb. 26, 2004 Order.) Thereafter, on November 2, 2009, Defendants indicated that they intended again to move for summary judgment and that they had served Plaintiff with their Rule 56.1 Statement of Undisputed Material Facts. (Deft. 11/2/09 Ltr. at 1.) Plaintiff asked the Court for additional time to respond to Defendants' 56.1 Statement, but he has apparently not done so yet, and Defendants have not yet requested a pre-motion conference.

If Defendants still intend to move for summary judgment, they should re-initiate the summary judgment process on or before January 31, 2011, beginning by re-serving their 56.1 Statement on Plaintiff together with the notice to pro se litigants required by Local Civil Rule 56.2. Plaintiff is reminded that pursuant to this Court's individual motion practices, non-movants have fourteen (14) days to file a counter-statement identifying "additional material facts as to which it is contended that there exists a genuine issue to be tried." Local Civ. R. 56.1(b). If Plaintiff does not respond to Defendants' Rule 56.1 Statement, Defendants' facts will be considered true. See Local Civ. R. 52.1(c).

CONCLUSION

For the foregoing reasons, Plaintiff's motions for discovery (Docket Entries 70 and 71) are DENIED. If Defendants still

intend to move for summary judgment, they shall reinitiate the summary judgment process on or before January 31, 2011. The Clerk of the Court is directed to mail Plaintiff a copy of this Order.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: December 20, 2010
Central Islip, New York